

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND,

Plaintiff

v.

K CALDWELL,

Defendant

Case No. 3:22-cv-00276-MMD-CLB

ORDER**I. DISCUSSION**

On June 27, 2022, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* ("IFP application") or pay the full \$402 filing fee for a civil action on or before August 27, 2022. (ECF No. 3 at 2). On June 29, 2022, Plaintiff filed an incomplete IFP application. (ECF Nos. 4.) As the Court stated in its previous order, to be complete, an IFP application must include an inmate account statement for the previous six-month period. Plaintiff has not submitted an inmate account statement with his IFP application documents.

The Court denies Plaintiff's incomplete IFP application without prejudice. Because it appears that an extension of the initial deadline and another court order are meaningful alternatives to dismissal here, the Court will grant Plaintiff **one final opportunity** to submit an inmate account statement for the previous six-month period to the Court on or before **October 16, 2022**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (providing that "district court need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives").

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's IFP application (ECF No. 4) is denied without prejudice.

IT IS FURTHER ORDERED that on or before **October 16, 2022**, Plaintiff shall either: (1) file a fully complete IFP application, on the correct form with complete financial

1 attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$402 fee for filing
2 a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

3 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
4 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with
5 the Court, under a new case number, when Plaintiff is able to submit a fully complete
6 application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

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8 DATED: September 15, 2022

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10 UNITED STATES MAGISTRATE JUDGE
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